

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLANDFILED
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RECEIVEDGLAXO WELLCOME, INC. and
GLAXO GROUP LIMITED,
Plaintiffs

NOV - 4 1998

v.

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

PHARMADYNE CORPORATION, ET AL.,
Defendants

CIVIL NO. AMD 96-455

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SECOND AMENDED JUDGMENT ORDER

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

In accordance with the FINDINGS OF FACT AND CONCLUSIONS OF LAW entered in this matter on September 30, 1998, it is this 2nd day of November, 1998, by the United States District Court for the District of Maryland, ORDERED, ADJUDGED, DECREED and DECLARED:

(1) The plaintiffs' motion for summary judgment is GRANTED, and all claims related to the '431 patent are DISMISSED WITHOUT PREJUDICE FOR LACK OF SUBJECT MATTER JURISDICTION; and it is further ORDERED

(2) JUDGMENT IS ENTERED IN FAVOR OF PLAINTIFFS AS TO ALL OTHER ISSUES, TO WIT: U.S. PATENT NOS. 4,585,790 and 5,068,249 ARE NOT INVALID, ARE ENFORCEABLE AND ARE INFRINGED BY DEFENDANTS' ANDA No. 74-794; and it is further ORDERED

(3) Defendants, Pharmadyne Corporation, Andapharma Corporation, UDL Laboratories, Inc. and UDL Laboratories, Inc. (Largo, Florida), and their respective officers, agents, servants, employees, and attorneys are PERMANENTLY ENJOINED, RESTRAINED, and PROHIBITED:

(i) from infringing claims 1-5, 9-11 and 13 of U.S. Patent No. 4,585,790 and claims

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1 and 4-10 of U.S. Patent No. 5,068, 249, including, without limitation, by making, using, selling, offering to sell and/or importing into the United States, Ranitidine Oral Solution, USP covered by ANDA No. 74-794; and
(ii) from seeking an effective date of FDA approval to market or sell Ranitidine Oral Solution, USP covered by ANDA No. 74-794, prior to the expiration of U.S. Patent Nos. 5,068, 249 and 4,585, 790, and it is further ORDERED

(3) The CLERK shall CLOSE THIS CASE and PROVIDE copies of this Second Amended Judgment Order to all counsel appearing in this action.

Andre M. Davis
ANDRE M. DAVIS
UNITED STATES DISTRICT JUDGE

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